

RETAINABILITY OF COLONEL MATTHEW BAIRD, USAF

1. Officer was called to duty for three (3) years effective 26 December 1950 under Public Law 381. This made his release date 25 December 1953.
2. Hq. USAF later discovered (a) that there was no legal authority in Public Law 381 to call officers to duty for three (3) years (b) that they were actually called to duty under Public Law 599 which authorized their retention for twenty-one (21) months. This made Colonel Baird's release date 25 September 1952.
3. Officers affected by 2 (above) were offered the option of signing a "voluntary-indefinite" category statement, under which they would be retained on active duty indefinitely under Public Law 381. Colonel Baird signed such a category in December 1951.
4. The Armed Forces Reserve Act of 1952 gave every reserve officer the option of accepting or declining an indefinite appointment (commission) in lieu of the five-year appointments which had heretofore been the rule. Officers who declined an indefinite appointment were to be separated by 31 March 1953. Colonel Baird at this time wanted to get off active duty, but was unwilling to terminate his commission in the USAF reserve. He believed that an indefinite appointment would keep him on active duty indefinitely, although the status of such appointments had no effect upon the duration of active duty contracts which were in force. In his case, his "voluntary-indefinite" service contract, signed in 1951, would continue in force if he accepted an indefinite appointment. At this time Colonel Baird was shown his written acceptance of a "voluntary-indefinite" active duty contract, as it then appeared in his personnel file in 1007th Air Intelligence Service Group.
5. Colonel Baird decided to decline an indefinite appointment, and signed a paper to that effect. His release date thus became 31 March 1953.
6. Before separation action could be initiated, Colonel Baird reversed his decision and accepted an indefinite appointment in the USAF reserve.
7. At the same time, Colonel Baird requested release from active duty on the grounds that he was not serving under a "voluntary-indefinite" active duty contract. His written acceptance (mentioned in par 4 above) could not be found, either in 1007th Air Intelligence Service Group files, in Hq. Command USAF files, or in Hq. USAF files. Disappearance of this paper is still unexplained.

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There are two possibilities: either the papers were lost by the Military Personnel Division and by Hq. Command USAF, or they were withdrawn by an undetermined person or persons. In the absence of any conclusive evidence, the former explanation - loss - must be accepted.

8. Colonel Baird's release date thus reverted to 25 September 1952, under Public Law 599 (see par 2 above). Immediate steps, physical examination, etc. were initiated to effect immediate separation.

9. Other than immediate separation, there are two alternatives: (a) execution of a "voluntary-indefinite" active duty contract, which would keep Colonel Baird on duty indefinitely, subject to any policy changes by Hq. USAF, or (b) voluntary extension of his 25 September 1952 release date to 25 June 1953, which is the latest deadline authorized by Hq. USAF message, AFPMP-1, AM 1408, 26 September 1952.

10. Pending acceptance of one of the preceding alternatives, there is no legal basis for retaining Colonel Baird on active duty, notwithstanding the three (3) year period specified in the orders which brought him on extended active duty.

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